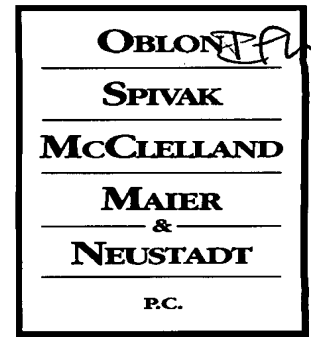




Docket No.: 243460US26YA



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/673,513
Applicants: David L. O'MEARA, et al.
Filing Date: September 30, 2003
For: METHOD FOR MONITORING STATUS OF
SYSTEM COMPONENTS
Group Art Unit: 2823
Examiner: William D. Coleman

SIR:

Attached hereto for filing are the following papers:

Reply Brief in Reply to Supplemental Examiner's Answer

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 243460US26YA

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DAVID L. O'MEARA, ET AL. : EXAMINER: COLEMAN, W.
SERIAL NO: 10/673,513 :
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 2823
FOR: METHOD FOR MONITORING :
STATUS OF SYSTEM COMPONENTS :

REPLY BRIEF IN REPLY TO SUPPLEMENTAL

EXAMINER'S ANSWER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Appellants received a document entitled "Examiner's Answer," which was mailed from the Patent Office on April 19, 2007. As an Examiner's Answer was already issued in this case on December 1, 2006, Appellants treat the April 19, 2007 Examiner's Answer as a Supplemental Examiner's Answer under 37 C.F.R. § 41.43(a)(1). Thus, Applicants provide this Reply Brief in response to the Supplemental Examiner's Answer in accordance with 37 C.F.R. § 41.43(b).

Appellants first note that pages 1-16 of the Supplemental Examiner's Answer appear to be a verbatim copy of the Examiner's Answer mailed December 1, 2006. The issues raised in these 16 pages have been addressed in Appellant's Appeal Brief and initial Reply Brief. New issues/arguments presented from the middle of page 16 to the middle of page 17 in the Supplemental Examiner's Answer are addressed below.

Appellants' Brief and initial Reply Brief explained that a major deficiency in the final rejection is that the rejection interprets the claim term "system component" as including a substrate or wafer to be processed within a semiconductor processing chamber. The Brief and initial Reply Brief explained in detail why this interpretation is unreasonable in view of the specification and prosecution history in this case. The Supplemental Examiner's Answer does not address this argument. Rather, the Supplemental Examiner's Answer simply points to Figure 6 of Rulkens as teaching monitoring a state of material deposited on a system component to determine the status of the system component. Figure 6 of Rulkens discloses a typical argon emission signal in relation to thickness of a film deposited *on a substrate surface*, and not on a system component as claimed in Appellants' claims. Thus, Figure 6 does not support the Examiner's rejection, and in no way rebuts Appellants' position.

The Supplemental Examiner's Answer also points to column 8, lines 65-68 of Rulkens as disclosing a film deposited on an optical view port, apparently to make the point that Rulkens discloses deposition of a film on a system component. However, there is no monitoring of the status of the optical view port as required by the claims. The outstanding rejection is based on the substrate or wafer being a "system component" because film thickness is only monitored on the substrate wafer in Rulkens. The Supplemental Examiner's Answer pointing to film deposition on the view port appears to be an admission that the wafer or substrate is not a system component.

Further, the cited portion of Rulkens teaches *preventing* a film from being deposited on an internal surface of the optical port entry. The claimed invention requires film deposition on the system component being monitored. If anything, Rulkens' disclosure of preventing a film from being deposited on the optical port supports Applicants' position that Rulkens does not disclose monitoring the status of a system component based on a state of material deposited on the system component as recited in Applicants' Claim 1.

For the reasons discussed above, and in the Appeal Brief filed September 5, 2006 and the initial Reply Brief filed February 1, 2007, the rejection of Claims 1-6, 8, 29 and 30-32 is improper and should be withdrawn.

Respectfully submitted,

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